

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-01097-JGK
Internal Use Only**

Trusky v. General Motors Company
Assigned to: Judge John G. Koeltl
Case in other court: Michigan Eastern, 2:11-cv-12815
Cause: 28:1330 Breach of Contract

Date Filed: 02/14/2012
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Donna M Trusky

represented by **Darryl Bressack**
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Plaintiff

Asha Jeffries

represented by **David H. Fink**
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Plaintiff

Gaynell Cole

represented by **David H. Fink**
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V.

Defendant

General Motors Company

represented by **Benjamin W. Jeffers**
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Date Filed	#	Docket Text
06/29/2011	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-3047448 - Fee: \$350. County Where Action Arose: Wayne - [Previously dismissed case: No] [Possible companion case(s): None] (Attachments: # <u>1</u> Exhibit 1 - 08032A Bulletin) (Fink, David) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 06/29/2011)
06/30/2011	<u>2</u>	SUMMONS Issued for *General Motors Company* (DWor) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 06/30/2011)
06/30/2011		(Court only) ***Set/Clear Flags (DWor) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 06/30/2011)
07/06/2011	<u>3</u>	NOTICE of Appearance by Marc H. Edelson on behalf of All Plaintiffs. (Edelson, Marc) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/06/2011)
07/12/2011	<u>4</u>	CERTIFICATE of Service/Summons Returned Executed. All Defendants. (Fink, David) Modified on 7/12/2011 (NHol). [GENERAL MOTORS SERVED ON 7/7/2011] [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/12/2011)
07/13/2011	<u>5</u>	ORDER for Donna M Trusky to Show Cause why this Case should not be Dismissed for Lack of Subject Matter Jurisdiction. Show Cause Response due by 7/26/2011 Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/13/2011)

07/15/2011	<u>6</u>	ATTORNEY APPEARANCE: Jeffrey L. Kodroff appearing on behalf of Donna M Trusky (Kodroff, Jeffrey) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/15/2011)
07/15/2011	<u>7</u>	ATTORNEY APPEARANCE: John A. Macoretta appearing on behalf of Donna M Trusky (Macoretta, John) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/15/2011)
07/25/2011	<u>8</u>	NOTICE of Appearance by Benjamin W. Jeffers on behalf of General Motors Company. (Jeffers, Benjamin) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/25/2011)
07/26/2011	<u>9</u>	MEMORANDUM re <u>5</u> Order to Show Cause by Donna M Trusky (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Donna M. Trusky) (Bressack, Darryl) [DOCUMENT ENTITLED RESPONSE] Modified on 7/26/2011 (CGre). [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/26/2011)
07/26/2011	<u>10</u>	NOTICE of Appearance by Darryl Bressack on behalf of Donna M Trusky. (Bressack, Darryl) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/26/2011)
07/27/2011	<u>11</u>	NOTICE by General Motors Company re <u>5</u> Order to Show Cause <i>Concurrence That Plaintiff Has Alleged Jurisdiction in Response to The Court's Order to Show Cause</i> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A. Sale Approval Order, # <u>3</u> Exhibit B. In Re: OnStar Contract Litig., Case No. 2:07–MDL–01867, Opinion & Order Granting in Part and Denying in Part Plaintiffs' Motion For Leave to File a Third Amended Complaint) (Jeffers, Benjamin) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 07/27/2011)
08/01/2011		TEXT–ONLY ORDER Vacating re <u>5</u> Order to Show Cause. Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 08/01/2011)
08/01/2011	<u>12</u>	STIPULATION AND ORDER Extending Time for Defendant to Respond re <u>1</u> Complaint. Responsive pleading due 8/11/2011. Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 08/01/2011)
08/11/2011	<u>13</u>	MOTION to Dismiss by General Motors Company. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A. New York Bankruptcy Court Sale Approval Order, # <u>3</u> Exhibit B. In Re: OnStar Contract Litig., Case No. 2:07–MDL–01867, Opinion & Order Granting in Part and Denying in Part Plaintiffs' Motion For Leave to File a Third Amended Complaint, # <u>4</u> Exhibit C. 2008 Chevrolet Warranty) (Jeffers, Benjamin) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 08/11/2011)
08/16/2011	<u>14</u>	NOTICE of Appearance by Ronald J. Smolow on behalf of All Plaintiffs. (Smolow, Ronald) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 08/16/2011)
09/06/2011	<u>15</u>	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against All Defendants. NEW PARTIES ADDED. (Attachments: # <u>1</u> Exhibit Exhibit 1) (Fink, David) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 09/06/2011)
09/09/2011	<u>16</u>	NOTICE of Appearance by Michael P. Cooney on behalf of General Motors Company. (Cooney, Michael) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 09/09/2011)
09/13/2011	<u>17</u>	STIPULATION AND ORDER Regarding Responses to <u>13</u> MOTION to Dismiss. Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 09/13/2011)
09/27/2011	<u>18</u>	MOTION to Dismiss <i>Amended Complaint Based On Lack Of Jurisdiction And Failure To State A Claim</i> by General Motors Company. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A. In Re: OnStar Contract Litig., Case No. 2:07–MDL–01867, Opinion & Order Granting In Part and Denying In Part Plaintiffs' Motion For Leave To File A Third Amended Complaint, # <u>3</u> Exhibit B. New York Bankruptcy Court Sale Approval Order, # <u>4</u> Exhibit C. Declaration of

		Steven D. Oakley, # <u>5</u> Exhibit D. 2008 Chevrolet Warranty) (Jeffers, Benjamin) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 09/27/2011)
10/24/2011	<u>19</u>	STIPULATION AND ORDER Extending Briefing Deadline as to <u>18</u> MOTION to Dismiss (Responses due by 11/21/2011) Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 10/24/2011)
11/21/2011	<u>20</u>	STIPULATION AND ORDER STAYING CASE Pending Ruling from Bankruptcy Court Signed by District Judge Sean F. Cox. (JHer) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 11/21/2011)
01/17/2012	<u>21</u>	MOTION to Transfer Case to <i>Southern District of New York</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Appendix of Unpublished Opinions) (Fink, David) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 01/17/2012)
01/31/2012	<u>22</u>	RESPONSE to <u>21</u> MOTION to Transfer Case to <i>Southern District of New York</i> filed by General Motors Company. (Jeffers, Benjamin) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 01/31/2012)
02/10/2012	<u>23</u>	STIPULATED ORDER TRANSFERRING CASE to Southern District of New York. Signed by District Judge Sean F. Cox. (DWor) [Transferred from Michigan Eastern on 2/15/2012.] (Entered: 02/10/2012)
02/15/2012	<u>24</u>	CASE TRANSFERRED IN from the United States District Court – District of Michigan Eastern; Case Number: 2:11-cv-12815. Original file certified copy of transfer order and docket entries received. (sjo) (Entered: 02/15/2012)
02/15/2012		Magistrate Judge Henry B. Pitman is so designated. (sjo) (Entered: 02/15/2012)
02/15/2012		Case Designated ECF. (sjo) (Entered: 02/15/2012)
02/15/2012		NOTE TO OUT OF STATE ATTORNEYS: Please visit the Court's website at http://www.nysd.uscourts.gov for information regarding admission to the S.D.N.Y. Bar and the CM/ECF Rules & Filing Instructions. (sjo) (Entered: 02/15/2012)
02/22/2012	<u>25</u>	NOTICE OF COURT CONFERENCE: You are directed to appear for a pretrial conference, to be held on Tuesday, April 17, 2012 in Courtroom 12B, at 4:30pm in front of the Honorable John Q. Koelt. All requests for adjournments must be made in writing to the Court. For any further information, please contact the Court at (212) 805-0107. (ama) (Entered: 02/22/2012)
02/22/2012		Set/Reset Hearings: Pretrial Conference set for 4/17/2012 at 04:30 PM in Courtroom 12B, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (ama) (Entered: 02/22/2012)
03/06/2012	<u>26</u>	ENDORSED LETTER addressed to Judge John G. Koeltl from Arthur Steinberg dated 3/6/2012 re: On February 22, 2012, this Court entered a Notice of Court Conference, scheduling a pretrial conference in this case for April 17, 2012. Based on this Notice and the scheduling of the pretrial conference, it is unclear if this case is going to be transferred to the Bankruptcy Court. By this letter, New GM requests that this case be transferred to the Bankruptcy Court as contemplated by the parties in the Stipulated Order and that the pretrial conference be marked off the calendar as moot. New GM has discussed this matter with Plaintiffs' counsel and Plaintiffs' counsel agrees that the case should be transferred to the Bankruptcy Court as contemplated by the Stipulated Order. ENDORSEMENT: This case is transferred to the Bankruptcy Court (Gerber, B.J.) as related to Motors Liquidation Co., 09-50026. The conference scheduled for April 17, 2012 is canceled. The Clerk is directed to transfer this Case and to close it on the docket of this Court. So Ordered. (Signed by Judge John G. Koeltl on 3/6/2012) (js) (Entered: 03/06/2012)
03/06/2012		Transmission to the Case Openings Clerk. Transmitted re: <u>26</u> Endorsed Letter,,,,, to the Case Openings Clerk for case processing. (js) (Entered: 03/06/2012)